THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 4909 of 1998

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Dated: 18-04-2006

Between:

E. Narender Reddy and another.

..Petitioner.

and

The District Collector (Panchayat Raj Wing), Ranga Reddy District, Hyderabad and others.

..Respondents.

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ORDER:

The petitioners seek a writ of mandamus to declare the action of respondents 1 to 4 in constructing Balawadi School in their land admeasuring 500 sq. yards situated at Muknoor village, Ibrahimpatnam Mandal, Ranga Reddy District, without initiating any proceedings either under the Land Acquisition Act or other

provisions of law, as illegal and arbitrary.

The case of the petitioners is that they are the owners of an extent of 500 Sq. yards of open land situated at Muknoor Village, Ibrahimpatnam Mandal, Ranga Reddy District. In the family partition held in 1974 between the father of the petitioners and his three brothers, the said 500 Sq. yards was allotted to the father of the petitioners and thus, they are in exclusive possession and enjoyment of their respective land. On 16-2-1998, respondent No.4, without initiating any proceedings either under the Land Acquisition Act or under any provisions of law, entered into their land, surveyed the same for the purpose of making constructions in their land. Hence, the writ petition.

Admittedly, there are no material particulars with regard to the exact location and survey number of the said land. However, if there is no dispute with regard to the ownership of the said land, the respondents cannot dispossess or make any construction over the land of the petitioners.

In the circumstances, I am of the opinion that if the petitioners are owners of the land in question, the respondents can not make any construction over the said land without following due process of law or without paying any compensation to the petitioners.

The writ petition is accordingly disposed of. No costs.

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18-04-2006

sj